

REMARKS

This paper responds to the Office Action dated November 18, 2004. Claim 9 is amended; as a result, claims 1 - 20 are now pending in this application.

Claim 9 is amended to clarify the claim. No new matter is proposed by way of this amendment.

Double Patenting Rejection

Claims 1-10 and 12-20 were rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-23 of U.S. Patent No. 6,665,558. A terminal disclaimer is enclosed herewith to overcome the rejection.

§102 Rejection of the Claims

Claims 9, 10, 12, 13, 16, 19 and 20 were rejected under 35 USC § 102(b) as being anticipated by Snell et al. (U.S. Patent No. 4,791,936, "Snell"). Applicant respectfully traverses the rejection.

The Office Action refers to Snell as the '937 patent. Applicant is proceeding under the belief that the Office Action intended to refer to the '936 patent.

Regarding claims 9, 10, 12, and 13:

Applicant cannot find in Snell, among other things,
a memory containing a plurality of data sets including at least a first data set distinct from a second data set, the second data set including conditions of a cardiac rhythm management device under which the second data set was acquired, ... and an output unit connected to said processor, the output unit receiving the correlated first and second data sets from the processor, the first set, second data set and conditions being simultaneously displayed on said output unit,

as presently recited or incorporated into the claims. Examples of conditions as described within the present application can be found in Figure 9 (915, 925), and page 17 line 16 through page 18 line 15. The Office Action characterized elements 51, 53, 91, 93, and 100 in Snell as conditions. Applicant respectfully disagrees with the characterization of the elements as "conditions" as conditions are described within the present application. Snell refers to elements 51 and 53 as

output spikes (col. 10, lines 15-19), elements 91 and 93 as intercardiac waveforms (col. 10, lines 56-59), and element 100 as a pulse (col. 11, lines 16-19).

Regarding claims 16, 19, and 20:

Applicant cannot find in Snell, among other things,

correlating at least first and second collected data sets, the first data set distinct from the second data set, wherein at least one of the data sets is collected asynchronously,

as recited or incorporated into the claims. Instead, Snell appears to be silent as to correlating data sets collected asynchronously.

Applicant respectfully requests reconsideration and allowance of claims 9, 10, 12, 13, 16, 19 and 20.

Allowable Subject Matter

Claim 11 was objected to as being dependent upon a rejected base claim, but were indicated to be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicant acknowledges the allowed subject matter.

Serial Number: 10/687,433

Dkt: 279.347US2

Filing Date: October 16, 2003

Title: SYSTEM AND METHOD FOR CORRELATION OF PATIENT HEALTH INFORMATION AND IMPLANT DEVICE DATA

CONCLUSION

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney (612) 349-9587 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

JAMES KALGREN ET AL.

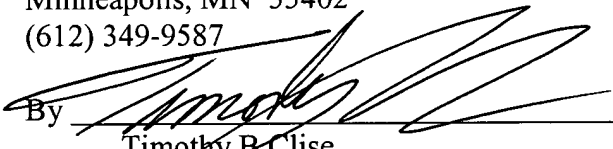
By their Representatives,

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.
P.O. Box 2938
Minneapolis, MN 55402
(612) 349-9587

Date

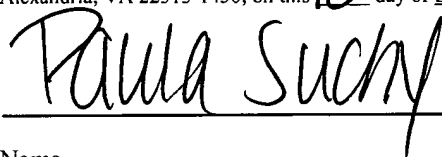
1 Dec '04

By


Timothy B. Clise
Reg. No. 40,957

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Mail Stop AF, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 10 day of December, 2004.

Name



Signature

